

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GREGORY ANTHONY SMITH,
a/k/a, HURST VON BRUSKIE

Civil No. 07-2213 PAM/SRN

Plaintiff,

v.

ORDER

Minnesota Department of Corrections,
JOAN FABIAN, Commissioner,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated August 21, 2007. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's request for leave to proceed in forma pauperis, (Docket Nos. 2 and 6), is **DENIED**; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

DATED: _September 14, 2007.

s/ Paul A. Magnuson
Judge PAUL A. MAGNUSON
United States District Court Judge